A

LETTER

To a Member of the

CONVOCATION

OF THE

UNIVERSITY of *OXFORD*:

Containing the

CASE

Of a Late Fellow Elect of

University-College

IN THAT

UNIVERSITY.

LONDON Printed, and to be Sold by *John Nutt*, near *Stationers-Hall*. 1699.

BIBLIOTHECA

By E. Usher.

A

LETTER

To a Member of the

CONVOCATION

OF THE

UNIVERSITY of OXFORD:

Containing the

CASE

Of a Late Fellow Elect of

University-College.

IN THAT

UNIVERSITY.

LONDON Printed, and to be Sold by John Nutt, near
Stationers Hall. 1699.

A LETTER TO A Member of the Convocation OF THE UNIVERSITY of *OXFORD*.

SIR,

YOU may remember, I was Elected Fellow of *University-College* in *December* laſt, but diſapprov'd of by the Delegates of Convocation (for ſuch, and not *Viſitors*, I muſt crave leave to call them) the Reverend the Vice-Chancellor, Doctors of Divinity, and Proctors; Whereupon, as the Statute-Book and Regiſter of that College Directed me, I proceeded to Appeal from that ſevere Sentence of theirs, to the Judgment of our Supreme and Primary Viſitors, the Convocation: The Appeal I then lodg'd, I now deſign to Proſecute; and in order thereto it will not, I think, be Improper, or unneceſſary for me to Premiſe theſe Two Things;

1. *To make out to you, and, through you, to the Convocation in general, my Right of Appealing, and the Convocation's of Receiving and Determining my Appeal*:

2. *To Propose, and Answer those Objections the Master urg'd against me, before Mr. Vice-Chancellor, Doctors of Divinity, and Proctors to prevent their Approbation of me:* That, to remind them of a Power, their Ancestors formerly did, and they still may Exercise, and this, to encline them to make favourable use of it to the Redress of my Grievances.

To manage the First of these Two particulars aright, will, I foresee, require more Law, more knowledge in the College Register and Statutes than my Misfortunes have yet taught me; therefore I shall leave that part to a Friend, who is able to set off your Title to much better advantage: But to Answer to the Crimes alledg'd against me, as it cannot properly be expected from any other, but immediately from my self, so it is a Task which, notwithstanding all my Troubles, I hope, I need not be afraid to undertake; since Innocency asks only the simplicity of Truth, and not much Subtilty, or Law to defend itself.

But before I enter upon what I have already propos'd, give me leave, I pray, to acquaint you a little with the Usage which I have all along met with from the Master, especially, for some time before the Election; that in the end you may be the better able to judge, Whether all that Heat, and Vehemency which Dr. *Charlett* has of late prosecuted me with, did not arise rather from somewhat else, than any Crimes which I have been guilty of.

You must know then, I had not liv'd much past Two Years in *University-College*, till, to my no small trouble and discouragement, the Master began to discover a particular dislike of, and aversion towards me; upon every slight occasion, slight indeed, if I had not given it. He was pleas'd to *Sconce*, *Cross*, or *Impose* me (for these you know are the several Punishments we have in Colleges) expressing at the same time such Anger and Resentment, as that it cou'd not be long doubted whether of the Two he intended more, to Torment the Person, or Punish and Correct the Offender. This Mr. *Hudson* my Tutor very well knows, who has often express'd both his wonder, and concern at it; and so do all my Contemporaries who have often pity'd and condol'd my Misfortune: But why, the Master was pleas'd to be thus Severe upon me, more than any other

Scholar

Scholar beſides, neither cou'd they, nor I ever at any time learn. That I us'd to frequent Prayers and Sacraments, duely perform and attend the Exerciſe, and other ordinary Duties of the Houſe, I hope, I ſhall hereafter ſufficiently prove to you; and he never thought fit to upbraid me with any particular Miſdemeanour to my Face, or otherwiſe privately Admoniſh me of any by a Friend; and if he had known me guilty of any, how little ſoever he cared for me, he wou'd ſo far, ſure, have endeavour'd my amendment, as to have told me of my Faults. There's one Paſſage, which, becauſe it was the firſt occaſion the Maſter had to be angry with me, I muſt not omit to mention: 'Tis a Cuſtom the Scholars obſerve in our Chapel, to Riſe, out of reſpect, when the Maſter comes in, and to continue ſtanding till the Reader begin; this piece of Ceremony I always perform'd, as duely and conſtantly, as any of the reſt, ſaving once, when the Reader happen'd to ſtay a pretty while after the Maſter, I was ſo negligent as to ſit down, whilſt others were ſo careful as to keep ſtanding; this the Maſter unhappily obſerv'd, and ſeverely Reprimanded me for't; and it was the firſt pretence he had to find fault with me, and the only time he ever charg'd me with Diſreſpect; but whatever notice the Maſter might take of this neglect at preſent, it was too ſmall and trifling for him ſure, to remember long: And therefore, I was often told, and greatly ſuſpected myſelf, that a certain College-ſervant, whom for very ſubſtantial Reaſons I cou'd never agree with, us'd ever to feed and increaſe with falſe Stories and Miſrepreſentations, the Prejudice the Maſter at firſt took againſt me; but certainly, the Maſter wou'd not give more credit to the Report of an infamous College-Servant, than to the Teſtimony of the Fellows; therefore I ask his pardon if, while I am gueſſing at the hidden cauſe of this ſtrange, and unaccountable Partiality towards me, I happen to aſſign a leſs honourable one. Whatever the matter was, as he had begun, ſo he was pleas'd to continue his Severity upon me, till I came to about Four Years ſtanding, *i. e.* till I took an occaſion to go into *Cumberland*, a conſiderable diſtance from him; but I had not ſtay'd there much paſt half a Year, till my Tutor writ to me very kindly to come up in all haſte, and appear a

Canditate for a Fellowſhip which was at that time Vacant: I came up accordingly, took my Degree, and ſtood for the Fellowſhip, but happen'd, if ſome of my beſt Friends have not ſince Complimented me, to come up at that time a little too late to ſucceed in my Atempt: However the Gentleman who now enjoys that Fellowſhip ſo juſtly deſerves it, and is ſo very well beloved in the Society, that, whatever Troubles my Succeſs at that time wou'd have prevented, which have ſince fallen upon me, I cannot be ſo injurious to the College, as to wiſh my ſelf in his Place.

But to return: Now that I had had the Hardſhip to be turn'd by the Fellowſhip (for my Tutor uſed ever to call their Electing a Stranger before me at that time a Hardſhip upon me) I was in hopes the Maſter wou'd in Compaſſion abate ſomewhat of his wonted Rigor and Severity towards me, and ſuffer me to live more eaſily and quietly under him; nevertheleſs he began to treat me again at the ſame or worſe rate than formerly, and, as far as I cou'd gheſs, was reſolved ſo to continue; for as my Friends, as well Fellows, as others, have often told me, wherever they happened to mention me to any advantage (for ſome there ever were who from the beginning deſigned me better Things than what has befalen me) there wou'd he be ſure to Expreſs his uneaſineſs, and divert the Diſcourſe with a Frown. And indeed this particular Averſion of the Maſter's towards me, which as I cou'd never learn the cauſe of it, ſo I was never any ways likely to abate, did ſo far affect and diſcourage me in my Studies, That, tho' I was ever deſigned for Divinity, and had ſpent ſome Years, and taken a Degree in order to't, yet, as my Tutor may very well remember, I adviſed with him about quitting the Univerſity, tho' I had fewer Friends any where elſe, and did not well know what other Calling to betake my ſelf to. My Tutor was very much againſt my leaving the Univerſity, but quickly after was convinc'd of the reaſonableneſs of my leaving the College, and it was upon this memorable Paſſage which, becauſe I once thought it had happily ended in the confuſion of ſome malicious Slanderers, and a perfect underſtanding for the future betwixt the Maſter and me, it will

not

not be amiſs to relate to you at large; The Maſter was pleaſed this Year to order me to ſpeak a Speech, a Cuſtom we Annually obſerve on St. *Simon* and *Jude*'s Day, in Commemoration of our Founders, but happen'd to give but about a Fortnights warning to make it in: Hence it was that my Thoughts and Studies being otherwiſe neceſſarily engag'd, I was not at liberty to fit and prepare my ſelf for the Holy Sacrament which in the mean time came to be Adminiſtred; nevertheleſs the Maſter *croſſed my Name*, and appear'd extreamly offended, I heard, at my miſſing the Sacrament; and when I waited upon him to remind him of the buſineſs I had in my Hands, the ſhort warning I had to do it in, and the neceſſity of finiſhing it by ſuch a time, he diſcharged me in a great Paſſion from ſpeaking the Speech, and ſent me away with many bitter Reproaches of Impudence and Confidence; whereupon my Tutor, who knew how buſie I was all the Week long, and even Sunday too, in compoſing and writing a Speech, which was to be repeated *Memoriter* on Wedneſday following, and therefore the more excuſable for miſſing the Sacrament, told me there was no living quietly for me in this College, and adviſed me to reſign my Scholarſhip (for by this time I had been Elected Scholar of the Houſe) and deſire a *Deceſſit*; *And go*, ſays he, *enter your ſelf at* Oriel-College, and he was pleaſed to add, *where you need not doubt of a Fellowſhip*; I went accordingly, reſign'd my Schollarſhip, but was for ſome days deny'd my *Deceſſit*: In the mean while came the day of Solemnity when the Fellows thought fit to wait upon the Maſter, and deſire that I might have his leave to ſpeak the Speech: The Maſter return'd, and therein gave the true reaſon of all his Wrath and Indignation againſt me upon this occaſion, whatever he was pleaſed to pretend about my miſſing the Sacrament, That he was informed *I had a deſign to abuſe him in it*, a Crime as far from my Thoughts as it wou'd have been impudent and intolerable; whereupon my Speech was immediately ſent for, read over, and returned back to be ſpoken without any Corrections: After this, the Maſter was pleaſed to ſend for me and deliver me my *Deceſſit*, which he before had deny'd me: But meeting with ſome Friends, who

ſeem'd

ſeem'd ſorry to part with me, and my old Acquaintance being deſirous of my ſtay, I was at laſt perſwaded to wait again upon the Maſter, and beg leave to continue in the College; and here it was that I began to hope that the Maſter would forget the Prejudice ſome ſecret Whiſperers had hitherto fomented in him againſt me, and leave me a fair way to perſue his Favour in for the future; for taking occaſion to expreſs how ſorry I was that I ſhould have the misfortune to fall under his particular Diſpleaſure, and promiſing, That, if he would be pleaſed to diſcover to me what it was in my Behaviour that ſo offended him, I would with diligence ſeek to amend: He was then pleaſed to anſwer (for I very well remember the Expreſſion becauſe it was the only one of its kind I ever received from him) *Well! well! it is no matter; mind your buſineſs and I ſhall look forwards and not backwards.* But for all this, tho' I do not know that he has thought fit to upbraid me with any Miſdemeanor whatever from this very time down to this Second Election, *i. e.* for a whole Year and more laſt paſt (for the Crime he charges me with laſt did not appear to him, he ſays, till a Week before the Election) you ſhall hear how kind he has been pleaſed to be to me ſince.

Tho' I was Senior, and, as you may obſerve, had once already been turn'd by a Fellowſhip, and a Senior, you know, they are ſeldom, or never ſo unkind as to diſregard, eſpecially, when he happens to lie under the diſcouragement of a former Repulſe, Nevertheleſs, as ſoon as this Fellowſhip, which we now Diſpute about, fell Vacant, he was pleas'd to declare in behalf of Mr. *Deniſon*, my Junior, and begun to talk of appointing an Election out of hand, to fill up the Vacancy: But when he underſtood that the Fellows diſcover'd more Favour for the Senior than what he either wiſh'd for, or expected, he then thought fit to ſuſpend it, till in the mean time he might one way or other, ingage a Majority of them againſt me; and this he endeavours no leſs earneſtly by the Intereſt, and Interceſſion of Friends, than his own Solicitations; inſomuch, that there was ſcarce a Day paſt, wherein ſome or other did not Speak, or Write in favour of my Competitor; the Maſter all this time, to facilitate his own, and their Endeavours, either quarrelling at, and de-

deſpiſing my Scholarſhip, or elſe traducing my Morals, cruelly aggravating every the leaſt Fault, which once in Seven Years time I had happen'd to commit, into a groſs Crime, and Enormity: Nay, ſo fully was he bent to prevent my Succeſs, that, when during the time of this Vacancy, he might have Recommended Mr. *Deniſon*, my Competitor, by the Joint-intereſt of his own, and that of the Fellows, to have been Preferred either at *Oriell*, or *Lincoln* Colleges; yet, contrary to all their inclinations, he wou'd have him ſtay to oppoſe me; whereas I on the other ſide, either at that time, or any time elſe, was capable of appearing but at one other College in the whole Univerſity beſides our own, nor that indeed with any probability of Succeſs: for the Maſter had ſhew'd too great a diſlike of me, to leave me any hopes of obtaining his Recomnendations; or if he, and the Fellows had both been ſo kind as to have agreed together to ſet me out with a good Character it is not probable it wou'd have availed me very much, when they themſelves had thought fit to turn me by a Fellowſhip once, and were ready to do it again, eſpecially at ſuch a time when it might have been ſuppos'd, I had a fair Claim to that Vacant One of our own by the Right and Priviledge of Seniority: And what's worſe than all this, he was pleas'd to deny me the common favour of a *Commutation of Terms*, which all the reſt of the Chancellor's worthy Delegates thought fit to allow me; whereby he has not only depriv'd me at preſent of the Benefit and advantage of my Degree (a thing the Univerſity is with good reaſon ſo tender in as nothing more) but has ſince found out Means, I am afraid, to debar me of it for ever.

When he ſaw that all, which he had hitherto done, was likely to prove ineffectual, and that after Examinations were over, every Fellow in the Houſe, except Mr. *Smith*, was pleas'd to Approve of me, he then betakes himſelf to a fooliſh, ridiculous Story, which *Wanly* the *Servitor*, not without the advice and contrivance of my Competitor, and his Two intimate Cronies Mr. *Woods*, and *Pricket* the Butler, as I ſhall more probably ſuggeſt to you, by and by, ſome Days before had thought fit to inform him of; and what this was, you'll beſt underſtand, after I have told what paſt in the Maſter's Lodgings, when to my great

great ſurprize, I was Summon'd thither, before the Maſter, and Four of the Fellows the Day before the Election (for then, and not till then, did I hear a Syllable of this Objection againſt me, tho', it ſeems, it has for ſome conſiderable time been reſerv'd for a Pinch.)

1. Mr. *Woods* [*A. B.*] came and told them, That about a Year and a half agon, he heard me frequently for near a Month together, ſay, *That the Maſter was a Familiar with ſuch a Gentleman*, naming him, *as he was with Mr.* Tanner, and he took the Word *Familiar*, to be there meant in a *Carnal Senſe*, for the *Young Gentleman who ſat at the Table with me at the ſame time, bluſh'd and ask'd me, If I was not aſham'd to talk ſo?* With this, the Maſter turns haſtily about, and asks me in a paſſion, *What I cou'd ſay to all this?* I told him, *I never thought, or ſaid ſuch a thing of him, as Mr.* Wood *ſuggeſted, in all my Life.* Again, he ask'd me, *Whether I ever I hud heard ſuch a Story of him, or no?* After ſome pauſe, I anſwer'd Yes, *I cou'd not ſay, but I had once heard ſuch a Story of him* (for Mr. *Woods* had now renew'd that in my Mind, which probably, I ſhould never have remembred of my ſelf) but what I had heard was a fooliſh Jeſt, told me near 5, or 6 Years ago, of the Maſter and *Editors*, and not of Mr. *Tanner*, or any other Perſon in particular; and upon further Examination, I at length told him of whom, and in what manner I heard it.

Next comes in Mr. *Grenwood*, [*A. B.*] and after him *Wanly* the *Informer*, each of them in order told their ſeveral Stories, which, ſince they do not affect me, it's not neceſſary here to repeat.

All then, that was Alledg'd againſt me at this time, was, That I us'd to tell a Young Gentleman, *That the Maſter was grown as familiar with him, as he was with Mr.* Tanner. But by next Morning, which was Election-time, Mr. *Woods* had very much improv'd his Story; it was now no longer the Maſter was as *familiar with ſuch a Gentleman, as he was with Mr.* Tanner, That happen'd to be a more ſoft and modeſt Expreſſion of his own, but the Maſter us'd to *Ride ſuch an one, and make him a ſecond* Tom. Tanner. With this improvement, the Maſter Read it to the Fellows when they were met together to Elect,

Elect, who thought it very odd, that the Gentleman ſhou'd va-ry thus in his Evidence, and ſince he was ſuch a particular Friend of Mr. *Deniſon*'s, did not know, but the whole might be a Contrivance to promote his Intereſt; which they did the more juſtly ſuſpect, becauſe it was trump'd up the very Day be-fore the Election, was not deliver'd upon Oath, and whether under his Hand they did not know; for the Maſter, when they deſir'd to ſee it, refus'd to ſhew it them; and when they wou'd have Examin'd the Witneſſes in his preſence, he abſented him-ſelf, ſent for them to his Lodgings, and order'd them to give the Fellows no Information; nay, when Mr. *Greenwood*, thinking that too great a diſreſpect to be ſhewn to the Fellows, ventur'd to come and tell them that little which he knew of the Matter, he forthwith ſent for him, and fell to Threaten him again at the ſame Rate as he had before done when he found him backward to come in a Witneſs againſt me, telling him, *He wou'd pluck the Gown over his Ears, and Expel him the College*: I ſay, notwithſtanding the Fellows thought, that they had hereupon good reaſon to give no credit to Mr. *Woods*'s Story, and judg'd themſelves not civilly Treated, yet, becauſe they wou'd preſerve the Peace of the College, if poſſible, and pay what Reſpect was due to the Reputation of a Perſon in his Station, they offer'd the Maſter, *That I ſhou'd ask his Pardon in what manner he pleas'd, or ſubmit to any Puniſhment he wou'd inflict for the Crime he ſuppos'd me Guilty of.* After re-peated offers of this kind to no purpoſe, they made him this fur-ther Propoſal, *That if he pleas'd, they wou'd agree to the put-ting off the Election till the Gentleman, to whom Mr.* Wood *ſaid, the Words were ſpoken to, cou'd be ſent for, and that if he*, who was equally Reflected upon with the Maſter, and had the moſt reaſon to remember them, *wou'd confirm Mr.* Wood's *Teſtimony, that then, not a Man of them wou'd any longer appear for me, but deliver me up, and leave me to his Mercy.* So different was the Behaviour of the Fellows from that of the Maſter upon this Occaſion, tho' the Power in that College is equally in their own Hands, and all Things are to be Determin'd there by a ma-jority. After ſeveral Adjournments that Day, the Maſter at laſt ſeem'd very deſirous to have the Election put off for one half

Hour longer, which when the Fellows had agreed to, he ſends for Mr. *Hinckley*, and tells him, he *had another Witneſs, Mr.* Deniſon, *and he would Swear to the ſame purpoſe, if he thought this material, he might Communicate it to the reſt of the Fellows, if not he ſhou'd keep it ſecret.* Mr. *Hinckley* return'd, and with very good reaſon too, *That he did not take a Competitor's Evidence to be very material, and for his part ſhou'd not regard it.* The Fellows therefore, knowing me clear from all other Exceptions, and laying no ſtreſs upon what Mr. *Woods* alledg'd without the concurrent Teſtimony of the Gentleman to whom the Words were ſpoken, at the next Meeting did me the Honour to Elect me.

Thus have I given you a brief Account of the Maſter's good Inclinations towards me, from the time I was Two Years ſtanding, till the time I was Elected Fellow: Come I to what I at firſt chiefly intended, namely, *To Propoſe, and Anſwer thoſe Objections the Maſter urg'd againſt me, before Mr. Vice-Chancellor, Doctors of Divinity, and Proctors to prevent their Approbation of me.*

The Election being over, and Mr. Vice-Chancellor, Doctors, and Proctors being met together the Day following in the Maſter's Lodgings, in order to approve, or diſapprove the Party Elected, Dr. *Bouchier*, the Maſter's Advocate, Read a long and black Indictment againſt me, ſetting me forth, *As a notorious neglecter of Prayers, a ſcandalous deſpiſer of the Holy Sacraments, and an infamous Nottivagator, one who was obſtinate and contumacious in his Temper, deaf to all Advice, and proof againſt Correction, one who had wilfully and deliberately Perjur'd himſelf in the Face of the Univerſity, and laſtly, had utter'd ſcandalous Words againſt the Maſter, Words too groſs and heinous to be repeated.* And indeed, if they cou'd but once have made out what they ſo furiouſly alledg'd, Mr. *Woods* [the Maſter's Second Advocate] might then with great Juſtice have inferr'd, *That I was neither fit for that Society I was deſign'd for, nor for any Society at all.* But the Proof, it ſeems, which was brought to make good all the Hard Names Dr. *Bouchier* was pleas'd to call me, was ſuch, that I have ſince, to my comfort, heard, ſeveral of the Reverend Doctors ſhou'd ſay, *They were, notwithſtanding*

withſtanding, very well ſatisfy'd with my Character; and Mr. *Smith*, the only Fellow who oppos'd my Election, was ſo kind as to confeſs to me, that very Morning I took my leave of him, *That my Friends had bore that Teſtimony of me, in anſwer to all other Objections, except that one relating to the Maſter, that he thought I cou'd not juſtly be upbraided with them hereafter*: But becauſe the Maſter, and his Friends have, notwithſtanding, ſince been very Cruel in their Miſrepreſentations of me, at other Places, as well as at *Oxon*, threatning, *To make all the Biſhops in* England *deny me Holy Orders*, I ask your pardon if I enlarge a little upon ſo juſt and neceſſary a Defence.

And here, I muſt readily own, and confeſs to you, That in all theſe Seven Years, I have ſomtimes miſt Prayers, at one time or other abſented myſelf from Sacraments, and ſometimes been abroad after Nine a Clock; but that I have been ſo far Peccant in any of theſe Inſtances of my Duty, as to come ſhort of thoſe who ſtand the faireſt in the Maſter's favour, or to loſe at any time the Character of a Regular Student: This I hope you will as readily allow me, when I have told you, that the Reverend Mr. *Naylor*, Mr *Hinckley*, and the Honourable Mr. *Bertie*, did all Three bear ample Teſtimony before the Delegates to my Regular Obſervance of theſe ſeveral Duties; and, if thoſe Gentlemen had pleas'd, they might have heard all the reſt of the Fellows to the ſame purpoſe, except Mr. *Smith*, and he, which is Teſtimony ſufficient, can ſay nothing to the contrary.

But I paſs on to the Charge of *Stubbornneſs and Contumacy*. The Inſtances they bring of this untoward temper of Mind, are Two.

The I. *Drawn from the manner of reſigning my Scholarſhip.*
The II. *From my not asking off* Sconces.

In anſwer to the firſt of theſe, I need only refer you to what I have already ſet down Pag. 5, 6. where you may obſerve, I did not in a bravading manner throw up my Scholarſhip, but

but with the advice of my Tutor reſign it; and that too, upon a very prudent Conſideration, in hopes, after ſome proof given there of my Manners and Behaviour, I might ſucceed in a Fellowſhip at *Oriel-College*, ſince, according to the Uſage I met with from the Maſter, I cou'd not expect one in our own. But I happen'd to make uſe of a Word in my Reſignation, which I underſtand ſince, gave ſome offence: It ſeems I call'd my Scholarſhip *Portiuncula exhibitionis*, and the reaſon was, becauſe that ſame Benefaction us'd to be held formerly entire, and given all to one: But the Fellows upon diſcovery of the Donor's Will, ſaw reaſon to divide it, and gave one Half, which was Fifty Shillings a Year to me, and I thought I had hit upon a very proper Word to expreſs the half of a Scholarſhip, tho' I am very ſorry to find that the propriety of the Word ſhou'd be miſconſtru'd reſentment.

2*dly*. As to the ſecond Inſtance of Stubbornneſs, my not asking off *Sconces*. For the firſt Two Years, or more, I believe, I was never *Sconced* at all; and afterwards, as I remember, the Maſter and Dean us'd always to give them out to the Poor, leſt they ſhou'd be troubled every time with this and tother Scholar asking off his Penny and Two Pence; and ſo ſay all my Contemporaries; ſome of whom, never ask'd off a *Sconce* in all their time. Of late, ſince the Maſter has expected it, I have for the moſt part ventur'd to go and ask them off, tho' I was ſure, when ever I went, to be very roughly receiv'd. Some few times indeed, I have forborn to ask them off, chuſing rather to loſe my *Sconces*, than to remind him of them, to his, and my own uneaſineſs.

Since the Maſter has forgot it, I crave leave to remind him of another Inſtance beſides of my Stubbornneſs and diſobedience towards him, which is this: Soon after I had ſucceeded in this Scholarſhip, which I a little before mention'd, there was another fell Vacant, better than the former, and the Maſter foreſeeing that I was likely to be Advanc'd to't, ſends for Mr. *Hinckley*, whom he ſuſpected wou'd prove my Friend, and tells him; *There was a Young Gentleman*, naming him, *in the College, whom he had a great kindneſs for, and ask'd him, What he thought of Electing him into this Scholarſhip?* My Friend was pleas'd

pleas'd to make kind mention of me at that time, ſaying, *I was Senior, and he thought, the Fellows cou'd not well deny me, if I ſhou'd happen to ſtand for't: But*, added he to the Maſter, *here are ſeveral* North-Country *Fellowſhips in the Houſe, and if you will pleaſe to be ſo kind as to give him any hopes of obtaining your Favour, when in time he ſhall become capable of one, I ſuppoſe, he will for the preſent be glad to recede, and give place to whom you think fit.* This he agrees to, and word was brought me, of the *fair opportunity I had of engaging the Maſter under promiſe hereafter to be kind to me.* Which you may be ſure, I was very glad to embrace, dreaming of nothing, but of the *North-Country* Fellowſhip the Maſter was to help me to, and little thinking, he wou'd prove the only means to turn me out of one, and afterwards Expel me, into the bargain. But after all this *ſtubborneſs, and contumacy*, the Maſter was pleas'd to upbraid me with, I hope, he cannot ſay, but I carried him readily all the Impoſitions he ever thought fit to ſet me, and that too, when others, who were Impos'd at the ſame time, were never call'd upon for theirs; and that I waited upon him duely, and ſubmiſſively upon all occaſions, tho' I have often gon Three or Four times before he wou'd allow me to ſee him: And Laſtly, I Appeal to the ſeveral *Officers* of the College (whom I have had occaſion now and then, to appear before) who are all ready to deliver a much different Character of my Temper.

I proceed to that heavy and black Crime of wilful and deliberate Perjury, a Crime which they themſelves, to be ſure, muſt needs diſtruſt the proof of, elſe I do not ſee what occaſion they had to trouble themſelves any farther. It ſeems they produce you a Letter from a Country Attorney, who tells them, That *My Father died in ſuch and ſuch Circumſtances, and left me an Eſtate of one Hundred and Twenty Pounds per Annum:* This Eſtate they ſay I *made away with upon taking my Degree, to avoid the Charges of Compounding*, and ſo they fetch about the Crime of Perjury. Perhaps word might be ſent this Attorney, that I was courting a Fortune inſtead of ſtanding for a Fellowſhip, which made my Country-man give ſuch an Honourable Account of my Eſtate; however a Perſon of Quality, whoſe Honourable Father was

my

my Guardian, and therefore he may very well be ſuppoſed to know my Circumſtances ſomewhat better than their Country Attorney, upon notice given him of this Objection againſt me, ſent the Fellows a much different and truer account of my Fortune; ſo that, there remains nothing for me to add more, but to leave them to anſwer for the uncharitableneſs of their Cenſure.

I have gone thus far in the Indictment, and I hope clear'd myſelf too, as far as I have gone, of the Aſperſions caſt upon me; and now to give you a ſufficient Teſtimony, once for all, of my Carriage and Behaviour, in oppoſition to all other Exceptions, as well as theſe. Be pleaſed to conſider, that the Fellows were ſo well ſatisfied with it, that not a Faction, or a Party, but every Fellow in the Houſe, except *Mr. Smith*, declared on my ſide, as well thoſe who were abſent, as thoſe who were preſent; nay, thoſe very Fellows, who were otherwiſe willing to oblige the Maſter, could not by all his Sollicitations be drawn from me, till their laſt Objection was raiſed againſt me, and then only, to ſuſpend their Votes, not to give them againſt me; and this is more, I hope you'll pardon the Vanity of the Obſervation where it is ſo neceſſary, than any Candidate in our Houſe, who was once ever oppos'd, can boaſt of.

Come we now to their laſt and greateſt Objection, namely, *The Words ſaid to be ſpoken againſt the Maſter*; but becauſe the Maſter did not only prefer theſe Words as an Objection againſt my Manners and Behaviour, and thereby got me turn'd by the Fellowſhip; but, when that was done, for the very ſame Words commenced his Action againſt me in the Vice-Chancellor's Court, and procur'd my Expulſion, and that too, whilſt an Appeal was depending; and ſince the Evidence given in againſt me before the Reverend the Delegates, happened to be repeated afterwards in Court, not without ſome Alterations and Additions, as well as freſh Witneſſes produc'd, I ſhall for the preſent wave what was Sworn concerning this Particular in the Maſter's Lodgings, and haſten to Examine their Proof, where I find it delivered at large: only before I go any farther, give me leave to ſay a Word or two to what

what the Maſter it ſeems was pleaſed to tell the Delegates, about his denying me my Degree, and his Admoniſhing me one time about my miſſing the Sacrament;

1. He was pleaſed to tell the Vice-Chancellor Doctors and Proctors, that the reaſon why he deny'd me my Degree was, becauſe *I went about to get a Letter without firſt acquainting him with it*, a Reaſon very different from what he was pleaſed to give me; for not mentioning a Syllable of my going to get a *Letter* without firſt acquainting him, he told me, As *I had ſtay'd ſo much longer than I needed to have done Undergraduate for my own pleaſure, ſo I ſhou'd be forced to ſtay as long Batchellor for his.* But how I behaved myſelf upon this occaſion, I ſhall here punctually relate to you. When I became ſtanding for my Maſter's Degree (which was in *Michaelmas Term* laſt) I waited upon Mr. *Smith*, the Senior Fellow (for the Maſter was at that time abſent) to deſire leave, that the Terms which I had kept ſupernumerary to my Batchellor's Degree ſhou'd be transfer'd, and accounted to my Maſter's (a favour every day asked, and as commonly granted in the Univerſity) Mr. *Smith* ſeem'd very well ſatisfy'd, but withall told me, *It wou'd look more reſpectful to wait the Maſter's return, and take his leave*; accordingly, as ſoon as I had deſired the Regiſter to draw me up a *Letter*, and lodge it ready in Mr. *Sherwin*, the *Beadle*'s Hand, I ſtay'd and expected the Maſter's return, The Maſter being come, I waited upon him, deſiring of him the ſame Favour, as I had done of Mr. *Smith*: He neither granted nor deny'd it me, but took time to conſider of it; whereupon I went ſtraight to Mr. *Sherwin*, and order'd *Him to have a care not to preſent my Letter to the Delegates till further notice:* Mr. *Sherwin* accordingly, as he was going to get other *Letters* Subſcribed ready for the Convocation, calls to know what he muſt do with mine: *I* promis'd to come an Hour after and tell him: Whilſt I went to learn the Maſter's Reſolution, Mr. *Sherwin*, whether to ſave labour, or preſuming more upon the Maſter's Favour than I durſt do, gives my *Letter* amongſt the reſt to be Sign'd, and when I came to bid him lay it aſide, I found it to my ſurprize Subſcrib'd by all the other Delegates; however, I did not offer

fer to make any Uſe or Advantage of it; and what the Maſter can quarrel at in all this, I cannot imagin, unleſs it be for coming officiouſly to ask his Leave to commute my *Terms*, which no Body, it ſeems, is oblig'd to do; But however Things have ſince happen'd, I am loath to repent of any reſpect which I have pay'd him.

2*ly*, He ſays, *He one time ſent for me, and cordilly admoniſhed me about miſſing the Sacrament, and withall, was ſo kind as to give me Arch-Biſhop* Tillotſon's *Diſcourſe concerning frequent Communion to read over: I returned ſoon after, delivered back the Book, and told him very pertly I did not like the Doctrine.*

I very well remember about Six of us (amongſt whom were the two Evidences, Mr. *Wood*, and Mr. *Denijon*,) miſt Sacrament once; the Maſter ſent for us, and ordered us for our Puniſhment, to Tranſlate the Treatiſe above-mention'd into *Latin*; in ſome competent time I finiſhed the Tranſlation, and carry'd it (which by the bye, none but Mr. *Laurence* and I ever did) but that the Maſter was neither ſo kind, at that time, as to admoniſh me about miſſing the Sacrament, or recommend that Book to me, any otherwiſe than the bare ordering me, amongſt the reſt, to Tranſlate it might imply, all thoſe Six can bear me witneſs; and I ſolemnly declare, That neither upon that occaſion, or any other, did I offer to expreſs to the Maſter my like or diſlike of the Doctrine there deliver'd, in any manner whatever, as I remember; and if I had done it, as the Maſter pretends, I am apt to believe he wou'd have given me good cauſe not to have forgot it.

This being ſaid, I paſs on to tell you, That after the Delegates had thought fit to diſannul the Election, I little thought then of Appealing from their Sentence: I comforted myſelf in my loſs, as well as I cou'd, with the Zeal and Affection my Friends had openly ſhewed me upon this occaſion; and was more ſorry to think I was to live apart from a Society, which appeared to love me ſo well, than any thing elſe: but when I heard the Maſter of Arts, from whoſe Voices I expected relief in Convocation, talk compaſſionately of my Caſe, and Dr. *Charlett*, not ſatisfy'd with the loſs of my Fellow-

ſhip

ſhip began afreſh to threaten me with Expulſion; and when I ſaw Mr. *Deniſon*, who from a Friend and a Competitor had turn'd my Accuſer, going to be Elected by the Maſter, and Four of the Fellows, into that very place he had before Sworn me out of, I was then either encouraged or provoked to Appeal: And indeed I dare almoſt put it upon any one to ſay, whether in the like caſe he wou'd not have done, as I have; for, to put the matter as they wou'd have it, Mr. *Deniſon* heard me now and then make merry with ſome odd Words at Table, which he interpreted to imply Scandal upon the Maſter, but it ſeem'd ſo light a thing to him at that time, that he did not think it worth his time, either to adviſe his Friend to forbear, or to inform the Maſter of the Abuſe; about Two Years after I was likely to carry away a Fellowſhip before him, he calls to mind this old Affront paſt upon the Maſter, and, tho' he did not go and inform the Maſter of it, he ſet *Wanly* to do't, and came in himſelf for a Witneſs; or elſe, I pray, what ſhou'd make *Wanly* ſo buſie with it juſt at this time above all others, he had heard this Story a Year and a half ago in a very groſs manner from Mr. *Bruch*, but nevertheleſs did not think it worth his time to take notice of it? Or how at laſt cou'd he tell the Maſter that I was concerned in't, ſince he had heard this matter from another, and never at any time from me? Why now Mr. *Deniſon*, I ſuppoſe had told him, as he had done Mr. *Greenwood* a little before the Election, That I *had likewiſe ſaid, that the Maſter B*——— Tom. Tanner, (for ſo it ſeems he made me ſpeak) *and if the Maſter did but know this of me, I ſhou'd never come in Fellow.* This made *Wanly* go, about a Month before the Election, very confidently to deſire Mr. *Elſtob* to inform the Society of this Objection againſt me, and this occaſioned that Wiſe Debate, *Prickett* conteſt in Court, *Wanly* and he held, whether was the properer Perſon of the two to diſcover this ridiculous Story to the Maſter; and lattly, this occaſioned thoſe dark and ſecret Cabals, Mr. *Wood*, Mr. *Deniſon*, *Wanly*, and *Prickett* the Buttler uſed to hold frequently before the Election in the Cellar, and elſewhere, which, the Batchellors can all tell you, I ever expreſſed my Fears and ſuſpicions of:

and indeed this Club was reſolved, it ſeems, whatever came on't to ſecure Mr. *Deniſon* the Fellowſhip; for when Mr. *Greenwood*, after I had been reprobated, began to talk of ſtanding for't, *Wanly* told him in a very menacing manner, *He had not beſt think of any ſuch thing, for they would ſoon rout him out as they had done the other before him.* It was not then out of any duty or obligation, that they inform'd of theſe words of mine (for then they muſt have inform'd of them as ſoon as they had heard them) nor out of any injury they ſaw done to the Maſter's Reputation (for what Injury cou'd be done the Maſter's Reputation by Words, which no body remembred but themſelves?) no, but they wanted a ſufficient Objection to turn me by the Fellowſhip to make room for Mr. *Deniſon*; and ſome ſuch Story wou'd they have trumped upon Mr. *Greenwood*, if he had ſucceeded: Well then might I Appeal and try, if happily I cou'd regain my Right, which I had for no other reaſon been bereft of, but becauſe Mr. *Deniſon* ſhou'd have it.

The Appeal being lodg'd, and the Maſter not thinking fit to condeſcend to any Terms of Accommodation, or indeed, give me any aſſurance of Pardon, not ſo much as privately, and by a Friend, in caſe I wou'd wave my Appeal and ſubmit (I ſay aſſurance of pardon in caſe I wou'd have ſubmitted, for hints and items to ſubmit, I confeſs, I had many, but withall I cou'd get no private Promiſe, or ſecurity made me of pardon if I wou'd have ſubmitted) and I on the other ſide being very loath to forego the advantage of my Appeal, and entirely truſt to his mercy, who, as he had before reſolutely refus'd all tenders of Satisfaction, how great ſoever, when the Story was private, and within our own College, much more I thought wou'd he do ſo, when it was become the publick Talk and News of the Town, and the Votes of the Heads of Houſes had paſt in his favour: The Maſter, I ſay, not thinking fit to ſend me any private aſſurance of pardon, in caſe I wou'd ſubmit, and I without ſuch aſſurance, juſtly fearing leſt my Submiſſion ſhou'd be miſconſtru'd a Confeſſion, and ſubject me to ſome further inconveniency, Matters were for ſome time at a ſtand, till on the 15th. of *Jan.* 95 I was Summon'd to Appear in the Vice-Chancel-

Chancellor's Court, at the Suit of the Reverend Dr. *Charlett*, and the Reverend Mr. *Tanner*. And here, in the first place, I have good reason to complain, That Dr. *Bouchier*, who Prosecuted me so earnestly before the Delegates, and with all the Aggravations the Zeal of so Learned and Eloquent an Advocate cou'd suggest, shou'd, nevertheless, sit as my Judge, and give Sentence upon a Charge which he himself, but some Days before, had manag'd and dress'd up against me; but with all due regard to so great Character, and without reflection upon the Justice of his Proceedings, I shall fairly State the Facts which were alledg'd against me, and then, according to a deer bought Distinction, return Answer to them in a double respect:

I. I shall make Answer to them, as they are Alledg'd to set forth matter of Scandal and Defamation upon the Reverend Dr. *Charlett*, and the Reverend Mr. *Tanner*; and so relate my Expulsion.

II. As they set forth an Objection against my good Manners and Behaviour; and so relate my Reprobation.

The Depositions are as follow.

1. Mr. *Woods* Swears (to comprise the strength of his Evidence in as few Words as I can) *That sometime after I had miss'd a Fellowship of* University *College, which happen'd on* Feb. 23 9⅝ [almost Two Years agoe] *he heard me at Table in our College-Hall say, That* Arthur (*meaning the Master*) *did* ride Tom. Tanner (*meaning Mr.* Tanner *Fellow of* All Souls *College*) *and made Mr.* K. *a second* Tom. Tanner; *these Words he heard me repeat frequently, for near a Month together, insomuch, that Mr.* K. *who sat at Table with me at the same time, bluss'd, and ask'd me, If I was not asham'd to talk so? By which Expressions he understood, that I meant the Master* B——'d, *these Two Gentlemen; for so the Word* Ride, *in his Judgment, and that of Debauch'd Persons, as apply'd to Men does import.* And further added, *That when I was charg'd with the Words, as above Sworn to, before the Fellows, I deny'd indeed the Words, but said,* I cou'd produce my Author.

2. Mr. *Deniſon* backs his fellow Evidence Mr. *Woods* in every particular, ſaving, *he was not preſent, when I ſaid*, I cou'd produce my Author. And moreover, Swears, *he heard me uſe the Word* Clapperclaw, *as well as* Ride, *and the one, as well as the other, in his Judgment, ſignifies to* B——r: And another thing, *That he had heard me call the Maſter* Roger.

3. *Pricket* Swears, *I us'd to call him* Pimp, *and particularly one time* Pimp Maſter general *to the Lodgings; and he thereby underſtood, I meant he was turn'd Procurer for the Maſter.*

4. The Honourable Warden of *All Souls* Depos'd, *That I ſaid before the Delegates, in theſe, or ſuch like Words to this effect; If I had ſaid the Words above mention'd*, I had my Author *for them*; and again, *That when I was ask'd by one of the Doctors, Whether I would clear my ſelf upon Oath*, I anſwer'd, I wou'd not.

The Depoſitions being thus ſet down, I am firſt to make Anſwer to them as they are Alledg'd to ſet forth matter of Scandal and Defamation upon the Reverend Dr. *Charlett*, and the Reverend Mr. *Tanner*.

I. To begin with the laſt Witneſs firſt (for if, what this Honourable Gentleman ſays, ſeems to imply, I have either confeſt, or cou'd not deny the Charge, there's an end of the Diſpute.) As to the Story about the Editors, I own'd both before the Fellows, and before the Delegates, I had heard it, tho' not any time this 4, or 5 Years, and for that, I told them my Author, Mr. *M.* but that I ever mention'd ſuch a Story my ſelf, or heard theſe Words the Two Witneſſes Swore to, either from Mr. *M.* or any body elſe, ſo apply'd, I always flatly deny'd.

1 That I did not ſay this Clauſe [*If I had ſaid ſo, I had my Author for't*] before the Delegates, with reſpect to the Words Sworn againſt me, as Mr. Warden wou'd have it, is evident, becauſe, this is the very thing ſome miſinform'd one of the Reverend Doctors of, at the Viſitation, and he earneſtly tax'd me with; I was very poſitive in my Anſwer, That I never had ſaid ſuch a thing, and complain'd to Mr. *Hinckley*, and he to Mr. *Smith*, of the miſ-information given in againſt me: Mr. *Smith* own'd it a Miſtake, and went, very honeſtly, when all was

was over, to have it Corrected: And it cannot be ſuppos'd, that I ſhou'd make a confeſſion of a thing, and at the ſame time vouch and prove a denyal of it too.

2. That I did not ſay ſo upon my Examination before the Fellows, as Mr. *Woods* Alledges, and as ſome miſinform'd one of the Reverend Doctors, is likewiſe evident becauſe, Mr. *Smith* and Mr. *Hudſon*, beſides the Two other Fellows, Mr. *Naylor* and Mr. *Hinckley*, who both agree I ſaid no ſuch thing, at the time ſpoken of, being call'd to deliver upon Oath, what paſt before them in the Maſter's Lodgings, did neither of them, agreeably to what Mr. *Smith* had before own'd to Mr. *Hinckley* at the Viſitation, mention a Syllable of this particular, which if I had ſaid, they cou'd not in that time have forgot it, nor wou'd have omitted to relate what was ſo appoſite to the purpoſe.

3. As to the Second Clauſe of Mr. Warden's Evidence, 'Tis true, I was ask'd, and Mr. Warden himſelf, as I remember, *whether I wou'd clear my ſelf upon Oath?* I returned, and the Reverend the Principal of *Jeſus* was pleaſed to joyn with me, *I conceiv'd I was not obliged to anſwer to that Queſtion*; and ſo I anſwer ſtill, becauſe if I ſhou'd ſwear, and that never ſo righteouſly, *I* ſhou'd not perhaps eſcape Cenſure, which notwithſtanding the ill Opinion ſome are pleaſed to harbour of me, I ſhou'd be very loath to incur for a Fellowſhip.

II. As to *Pricket* the Butler (that I may diſpatch him out of the way) this is the Man that I more than ſuſpected did always abuſe and miſrepreſent me to the Maſter; and I ever did, and ſtill do from my Conſcience believe him to have been the occaſion all along of the Maſter's Prejudice, and Averſion towards me, and the better part of the College, when they dare once talk freely, will tell you the ſame. Whether hereupon, I might be apt ſometimes to call him *Pimp*, I cannot juſtly ſay; but that he ſhou'd underſtand, or at leaſt I mean the Word in the ſenſe ſet down, neither will any body believe, when I have told the Paſſage which he at large related to the Court.

I came (he ſays) *into the Buttery one time, about a Year and a half ago, and finding myſelf Sconced* Six Pence *by the Maſter's Or-*

der,

der, I fell immediately a ſcolding very furiouſly with him, and told him, he was always running to the Maſter with one idle Story or other, and I ſuppos'd this was the reſult of one of them? But I now'd I wou'd not ask it off, and he might tell the Maſter ſo, if he wou'd, for he was Pimp Maſter General *to the Lodgings.* The Expreſſions, which I here in a paſſion, and upon a ſurprize threw out, I muſt with ſhame own, are Rude and Diſreſpectful; but no body, I dare ſay, wou'd make any doubt, what I meant here by the Name *Pimp*, the fore-going Words too plainly ſhew, I meant, *he us'd to carry Stories to the Maſter*, and had juſt been telling ſome one or other of me, which caus'd the Maſter to *Scout* me: And *Prickes* too, to be ſure, underſtood it aright, for he had but upon Election-Day, when he was purpoſely Examin'd, as to what he knew, concerning this Particular, given under his own Hand, *That he knew nothing at all relating to't, but what he had heard from Mr.* Woods, *and Mr.* Deniſon. But he ventur'd it ſeems, to ſtrain a Point, to ſerve his Old Friend at parting, and kindly help me forwards when I was going.

3. Theſe Two being diſpatch'd, I come to Examine the joint Depoſitions of Mr. *Woods*, and Mr. *Deniſon*, which before I enter upon, I cannot but complain to you, that I ſhou'd be oblig'd to Anſwer to any thing the later of theſe Two Gentlemen thinks fit to Swear againſt me: For when he Swore againſt me before the Delegates, What was he doing but Swearing me out of the Fellowſhip to make room for himſelf? This the Right Reverend the Late Biſhop of *Oxford* was very well aware of, and therefore, as I am told, ask'd at that time, *Whether if the Fellowſhip ſhou'd happen to be declar'd Vacant, Mr.* Deniſon *wou'd not become a Candidate for't?* And it was anſwer'd by the Maſter, or ſome of his Friends, *No, no*: But 'twas obſerv'd, when Mr. *Deniſon* was afterwards Elected That, that Worthy Perſon, with ſome others, did not come to approve of him. And now again when he appears a Witneſs againſt me in the Vice-Chancellor's Court, What does he elſe but Swear me out of the Univerſity, the better to ſecure himſelf in his Fellowſhip? 'Tis doubly hard upon me therefore, that he ſhou'd be allow'd not only to Swear me out of the Fellowſhip

to

to make room for himſelf, but ſuffer'd to Swear to keep himſelf in't: But before all be done, you'll eaſily perceive, without my telling of you, that Mr. *Deniſon* is more than ordinarily intereſted in the matter.

Allowing then, that Mr. *Deniſon*, and his intimate Cronie Mr. *Woods*, heard Words repeated for near a Month together, at a publick Table, which no body there preſent, beſides themſelves too, ever heard once, no not that very Gentleman, who, they ſay, made anſwer to them, and rebuk'd me for them (tho' I muſt own at the ſame time he told me ſo, he added, what I cannot very well tell whether it makes more for, or againſt me, *That if he had heard them, he ſhou'd not have thought it worth his while to have remembred them:*) allowing, I ſay, what I can by no means grant to be true, yet neither do theſe Words of themſelves ſignifie what the Witneſſes wou'd make us beleive, nor are there any Circumſtances, or Reaſons ſufficient for their wreſting of them to ſuch a ſignification: And laſtly, If all this was granted, yet the term of Time limited for the Action, is already elaps'd, the Words having been ſpoken above a Year ago.

1. Who thoſe Looſe and Debauch'd Perſons are, with whom to *Clapperclaw* and *Ride*, paſs current for ſuch Obſcene Practices, Mr. *Woods* and Mr. *Deniſon*, it ſeems, know beſt. To *Clapperclaw*, wherever I read, or heard the Expreſſion, ſignifies no more than to Whip and Beat one. So *Hudibraſs*, 2 *Can.* 2 Part p. 280.

> ——— *The inward Man,*
> *And outward, like Clan and Clan,*
> *Have always been at Daggers drawing,*
> *And one another Clapperclawing.*
> *Not that they really Cuff and Fence,* &c.

and you ſhall commonly hear Nurſes or Mothers, eſpecially in the *North* of *England*, cry out to their Children *I'll Clapperclaw you*: So to *Ride*, is often transferr'd from its common and uſual ſignification of *managing a Horſe*, to that of *managing a Man*, or ruling him, *ad libitum & arbitrium*, as *Prieſt Ridden*,

The

The Rich Ride the Poor; and what makes the Expreſſion more proper in this Caſe, is, the Maſter himſelf has been heard to uſe it, ſaying, *He cou'd Ride ſuch an one.* Since the Words then do not of themſelves ſignifie what the Witneſſes ſuggeſt, where are the Circumſtances and Reaſons for the wreſting of them to ſuch a ſignification?

1. Say they, *The Words were ſpoken about a Month or ſix Weeks after Mr.* Clavering's *Election, and 'tis to be ſuppos'd, you might ſpeak them in the Senſe alledg'd, out of Reſentment, and by way of Revenge upon the Maſter, becauſe you was at that time laid aſide.* In Anſwer to this, I muſt obſerve to you, That theſe Two Witneſſes Swore before the Delegates, to about a Year and half ago, without any relation, or reference had to Mr. *Clavering*'s Election, or ſo much as mention'd: But before Mr. Vice-Chancellor, Mr. *Deniſon*, to bring them nearer to Mr. *Clavering*'s Election, Dated the Words in *April* 97. a Quarter of a Year higher than before, and Swore to them with expreſs reference to that Election; I ſay, Mr. *Deniſon*, for tho' *Mr. Woods* did equally advance the Date of the Words with *Mr. Deniſon*, and ſay, *The Words were ſpoken indeed, after Mr.* Clavering's *Election!* Yet he wou'd not ſuggeſt that they bore any relation to that Election; whereas *Mr. Deniſon* was pleas'd to ſay, *I was vex'd, he believ'd, becauſe the Maſter at that time did not Vote for me, and thence I came to utter ſuch words againſt him:* But *Mr. Deniſon*, you muſt underſtand, by this time was Elected into the Fellowſhip, therefore no wonder if he thought himſelf obliged to go beyond his Brother Witneſs, and do ſomething Extraordinary upon his Promotion. However it is well known, if I had reaſon to Quarrel with any body upon that Election, it was myſelf, or ſome of my beſt Friends; I had had long e'er this too too great Experience of the Maſter's Averſion towards me, ever to hope for his Vote at the Election of a Fellow, and it is not probable, that I ſhould be much vexed to find I had miſs'd of that, which I durſt neither hope for, nor expect. Beſides, if I had been ſo wickedly minded, as Mr *Deniſon* gives out, I think, I ſhou'd ſcarce have choſen either thoſe Words, or that Place, he talks of, to have expreſt my malice in, but Words more ſerious, and a Place more private, and judg'd it

more

more both for my purpoſe, and ſafety ſo to have done. Laſt of all, Wou'd I have brought in a Man, whom all the College ſo deſervedly Eſteem, and whole intimate Acquaintance I ſtill pride myſelf ſo much in, to have been a ſharer in this Scandalous Report; for ſuch is the Gentleman, they tell you, I I directed my Diſcourſe to at Table, and whom, as well as Mr. *Tanner*, it ſeems, I ſaid the Mr. *Clapperclawed*. The frank and open manner then in which, they ſay, I deliver'd myſelf, and the tenderneſs and regard every body has for the Reputation of his Friend, might have ſufficiently declar'd the innocence of my Thoughts, whatever ſenſe, or interpretation they had thought fit to put upon the Words.

2. Say they, *And what does plainly demonſtrate your meaning in theſe Words, you confeſs that Mr.* M. *told you, That the Maſter B——'d the Editors, and what he calls B——ing, you call Clapperclawing*. You, ſee Sir, what advantage they are pleas'd to take of my Honeſty and Simplicity, and juſt ſuch uſe wou'd they have made of my Submiſſion. But to the purpoſe; Mr. *M* told me once an idle Jeſt of the Maſter and Editors, which neither he, nor any body elſe, took any further notice of: About Two, or Three Years after, I happen'd to talk concerning the Maſter, Mr. *Tanner*, and another Perſon, muſt I therefore needs allude to a Story told me ſo long ago, wherein neither Mr. *Tanner*, nor this Gentleman's Name, was ſo much as mention'd, and in ſuch Words too, as are confeſſedly Prov'd to imply no ſuch thing, as this Story expreſt. If this does any way demonſtrate my meaning, it muſt demonſtrate it to be ſomewhat elſe ſure, than what theſe Gentlemen wou'd have it.

What remains therefore, but that the Words, if ſpoken, ſhou'd be conſtru'd in their uſual and common acceptation, which, as before prov'd, will amount to no more than this; Here's one Scholar falls to Rally another of his Acquaintance, and tells him, *The Maſter governs and manages him as he pleaſes, juſt as he does Mr.* Tanner (for Mr. *Tanner* was ever known to be very obſervant of the Maſter, but there was no ſuch Report as now there is, till Mr. *Woods* and Mr. *Deniſon* miſconſtruing theſe Words of mine, as they pretend, found it of late for their

intereſt, to ſet it about, and in very expreſs Terms) *he gives him gentle correction to keep him in due order and ſubmiſſion*: And what's all this but ſome Taunts and Jeers, ſuch as paſs often merrily and innocently enough amongſt Young Scholars, which the Gentleman being offended at it, asks the t'other, *Whether he's not aſham'd to talk ſo?* And in this, or the like Senſe muſt the Witneſſes too, after all, have underſtood the Phraſes above mention'd, for Mr. *Woods*, and he indeed is the only Perſon to be regarded, being ask'd in Court, Whether during the ſeveral times he heard me repeat them at Table, he always took them in a looſe, immodeſt Senſe? Anſwer'd, as will be Atteſted by Three credible Perſons than preſent, *Sometimes he did, and ſometimes again he did not*; Notwithſtanding all the Circumſtances and Reaſons which they pretend to.

3. And to conclude this part, Admitting that the Words were never ſo expreſs, yet the Civil Law, which is the Rule of their Judgment in the Vice-Chacellour's Court, ſays, *Injuria verbalis ſolvitur ſpatio anni utilis*; the term of time then limited for the Action is already elapſed, the Words, according to their own Evidence, having been ſpoken almoſt two Years ago, unleſs the Maſter can firſt make it appear, that he never heard of them till ſometime within this Year: I ſay, and I crave leave to inſiſt upon't, tho' the Words were never ſo Expreſs yet the Maſter, before in Law he can recover any Damage, or exact any Puniſhment of me for ſpeaking of them, muſt firſt make it appear he never heard of them till ſometime within this Year, which if he can do it, is one great Argument to me they never were ſpoken at all.

Thus much then for the Words as they are Actionable, and relate my Expulſion: come I to the Second thing propoſed, Namely;

II. To make Anſwer to them as they are alledged to ſet forth an Objection againſt my Manners and Behaviour, and ſo relate my Reprobation. And here I might juſtly be thought to have prevented all further trouble in this Particular, ſince what is not proved can be no reaſonable Exception againſt me; and how far their Proof falls ſhort, I have already obſerved to you: But becauſe the Learned Dr. *Boucher* ſays, *That Viſitors*

in

in this Caſe need not wait for a ſtrict and legal Proof, but may proceed Juxta conſcientias, *and according to their Belief*, I ſhall, allowing all my Adverſaries urge in this Particular to be true, fairly ſtate the Matter, and leave the *Convocation* to agree what Rule they had beſt be guided by, the Law, the common Standard of Juſtice, or their own private Opinions; and whether, if they do perchance believe me guilty of a few nonſenſical Words, they may not notwithſtanding, in Reaſon and Diſcretion admit me Fellow of a College.

To allow then what my Proſecutors were never yet able to prove, *I happened unluckily in jeſting now and then with a certain Acquaintance of mine*, (a Gentleman who wants neither Senſe of Honour nor Gratitude to vindicate either his own or the Maſter's Reputation where he ſhou'd perceive them injur'd) *to allude in ſome odd comical Language to a fooliſh Story, which I had once heard of the Maſter and Editors*; and is this then ſuch an unpardonable Offence in Youth, ſometimes to have talked raſhly and indiſcreetly by way of Merriment and amongſt his Companions, that, almoſt two Years after he ſhall for this, and for this alone, be turned out of a Fellowſhip which he has honourably and fairly been Elected into? If I had reported ſuch a thing as this of the Maſter abroad, or by ſecret Whiſpers and ſlie Suggeſtions inſinuated the truth of it, but amongſt our ſelves, and in our own College, well might I then have been deem'd an unworthy Member of a Civil and Ingenuous Society: but ſince, at worſt, I happen'd only to throw out a few odd ridiculous Words, which no Body ever after ſo much as remembred, except Mr *Woods* and Mr. *Deniſon*, nor they think fit to inform of them till at length for their own private advantage more than for any diſrepute, which, they ſaw, had befallen the Maſter; as I have already ſhewn: In a Word, ſince it appears that, if I did ſpeak theſe Words, I neither deſigned nor intended any harm, either to the Maſter or any body elſe, nor accordingly did they ever receive any, I think I have done enough, if not to ſatisfie Dr. *Charlett*, yet, to wipe away the Objection, and acquit my ſelf as a good Chriſtian in that, when the Maſter thought fit to inſiſt upon this Offence, *I offered more than once to ask his Pardon in what manner he pleaſed, or ſubmit to*

any punishment he would inflict; Nay, after he had got me turned by the Fellowship, and for one and the same Fault, was going to Expell me the University, nevertheless I readily consented to as fair a Character of him and Mr. *Tanner*, as their Friends thought fit to give them, and publickly declar'd in open Court, *I never thought or imagined them guilty of the Crimes they were pleased to think themselves accused of:* And now, if either of these Two Gentlemen will please to prescribe me any other method whereby I may clear their Reputations in this particular more effectually than hitherto I have done, I promise them, after all, instantly to set about it; for God forbid that it shou'd be said, that I in any wise, in any manner had occasioned such a groundless Report to be spread abroad of any Man, and shou'd not be willing by all means possible to clear him of the Scandal of it: But it is easie for any to observe that Dr. *Charlett* needed neither to have broke the Peace of the College, nor been thus injurious to me, if he had not design'd something more, than the vindicating his own Reputation.

I have now I think, at length gon, thorough all the Objections brought to prevent my being Approv'd, saving, that the Two Witnesses last mention'd, do somewhere or other add, *That they have heard me talk against the Discipline of the House*; Mr. *Denison*, for instance, *at the* Three Tun-*Tavern*; (for as to that particular, of saying, *The Master Rogered such an one*, which Mr. *Woods* Swore to before the Delegates, but Mr. *Denison* and he, do both contradict afterwards in Court, saying, I call'd the Master only bare *Roger*, I shall wave my Answer to't till they Swear a Third time, to fix the Allegation) what it was those Gentlemen heard me talk against the Discipline of the House, since they have not thought fit to tell, I am not able to shall only therefore, in the Conclusion, observe to you, how severely I am dealt with, when every idle Word, which Two Designing Persons have at one time or other heard to drop from me concerning the Master, or the Discipline of the House, shou'd pass current, for a mighty Exception against me, whilst my constant Obedience and Submission both to the one and the other lie all the while unregarded.

The

The Sum of the whole is this, The Master, as a certain Gentleman, if you will not take my Word for't, in due time and place will make it appear upon Oath, *was resolv'd Three Years ago and upwards, that I should never succeed Fellow of* University-*College, if he cou'd hinder.* Hence, no doubt on't, came all that Rigor and Severity which, as I have said, upon little, or no occasion he us'd to Treat me with, that, since the ordinary Course of my Life and Conversation, was not greatly to be complain'd of, he might happily provoke me by ill Usage, to say, or do what he might afterwards take advantage of: And hence it was, after all his Pretences, he did not stick to deny me my Degree, which at the Expence of my Time and Fortune, I was now become capable of, because that wou'd have been one good argument more at the Election, for my preference to Mr. *Denison*; insomuch, that it's justly question'd, Whether or no, a *Bachelor of Arts* is capable of being Elected at all? And now when Examinations, with which, he had threatn'd me so severely, were happily concluded, and all his other Slanders and Reproaches of me (for so, I hope, I may safely call all his other Objections, since every Fellow in the House accounted them such) were laid aside and disregarded, pursuant to his former Resolution, he casts about, and enquires after such Stuff and Giberage, as you have heard: I say Enqires after for I cannot conceive, with what Confidence, *Wanly*, *Denison*, or whoever of them was the Informer, cou'd go and pretend, as he must do, great damage and injury done the Master's Reputation by a Story which he himself had knowingly, and wilfully conceal'd for so long together, unless the Master had first enquir'd after this or the like matter, or given him some private Encouragement so to do; nor would he, when he had once found what he thought he cou'd make an Objection of, admit of any Satisfaction, or Submission, of what kind soever; No, not when it was offer'd him by all the Fellows of the House; nor wou'd he by any means be prevail'd upon amicably to Adjust, or Comprimise the Matter within his own Society, but must hurry me away before the *Heads of Houses*, to have me turn'd out of my Fellowship, and Expell'd the University, for a Ridiculous Story which, in spight of all I cou'd do, or say, he wou'd both Prove and Publish to his own Discredit. Being

Being therefore put by my *Degree*, if for any at all, for a Reaſon which, if I had been Candidly dealt with, ſhou'd rather have haſten'd than have ſtop'd my promotion to't; and being for a Reaſon as good as the former, *i. e.* for Words of a general and doubtful ſignification, and ſuch, as by the Conſtruction of all the Law in the World, can never be made Criminal, depriv'd of my Free-hold, Expell'd the Univerſity, and turn'd out into the World to ſeek my Fortune; I have purpos'd, as I at firſt told you, to Proſecute my Appeal to Convocation, who alone can do me Right: Hoping that, that Venerable Body, will, as their Predeceſſors in like Caſes, have done before them, Exerciſe their Priviledge to their own Honour, and the comfort and ſatisfaction of the Injur'd. Nor does Expulſion, as far as I can underſtand, at all weaken my Right of Appealing, how craftily ſoever it was deſign'd to deſtroy it. The Univerſity, and a College, I am told, are Two diſtinct Corporations, and I may forfeit the Priviledge of the one, and retain the Right of the other. The King has Power to Found a College in the Univerſity, but he cannot make the Members of his College, Members of the Univerſity; that requires an Act of the Convocation, to Receive and Incorporate them into the Univerſity. We have a Modern Inſtance of this, *Worceſter*-College has all the Rights of a College, that is, *By the King's Letters Patents* it is become a *Corporation*; but the Fellows of that College, as ſuch, are not Members of the Univerſity: So that the Priviledges of the Univerſity, and of a College may ſubſiſt apart, and the Right of the one, may be enjoy'd by him who is no Member of the other. Otherwiſe indeed, a Fellowſhip wou'd be a very precarious thing, if a Man muſt be depriv'd of it whenever a *Maſter of a College* in his Paſſion, or Prejudice, reſolv'd to have him Expell'd. But this, with the Right of Convocation, which otherwiſe, I had deſign'd herewithall to have ſent you, being to be Argu'd ſpeedily in *Weſtminſter*-Hall, I ſhall not further enlarge upon't, but patiently expect the Determination of the Court. Wiſhing therefore, whatever becomes of my Appeal, that Unanimity and Concord may for ever flouriſh in that Society to which, upon many Accounts, I am ſo much oblig'd to, and, that none ever after

after me may have the like Reaſon to complain of Dr. *Charlett*, I conclude,

Yours to command,

C. U.

THESE are to Certifie, whom it may Concern, That we, the ſeveral Fellows, Maſters, Batchelors, *and* Commoners *of* Univerſity-College *in* Oxon, *whoſe Names are here ſubſcrib'd, Have for ſome time known* C. U. [*A.B.*] *Member of the ſaid College, moſt of us* Five, *or Six Years, ſome more or fewer according to our ſeveral ſtandings, and that we can ſafely, and with a good Conſcience Teſtifie, That he the ſaid* C. U. *according to the beſt of our ſeveral Obſervations, has behav'd himſelf ſoberly and honeſtly in his Converſation, diligently and induſtriouſly in his Studies, and has been ever held of good Repute, as well for his Learning, as Manners: In token whereof we ſet our ſeveral Hands.*

Fellows	Maſters	
John Naylor.	*Tho. Coney.*	
John Hinckley.	*George Carter.*	Late of Univerſity.
Alb. Bertie.	*John Potter.*	
John Nevile.	*Matthew Holbech.*	
Robert Clavering.		

Bachelors.	Commoners.
Ryley.	*Ibbetſon.*
Greenwood.	*Thornhill.*
Burlton.	*Naſh.*
Nicholſon.	*Banner.*
Cobden.	*Burman.*
	Heyward.